

## PATENT COOPERATION TREATY

RECEIVED

From the INTERNATIONAL SEARCHING AUTHORITY

PCT OCT 23 2003

LEGAL DEPT

NOTIFICATION OF RECEIPT  
OF SEARCH COPY

(PCT Rule 25.1)

To:

TYCO HEALTHCARE GROUP LP  
Attn. Denninger, Douglas E.  
10 Glover Avenue  
Norwalk, CT 06850  
UNITED STATES OF AMERICADate of mailing  
(day/month/year)

17/10/2003

Applicant's or agent's file reference

2854 PCT

IMPORTANT NOTIFICATION

International application No.

PCT/US 03/ 22900

International filing date(day/month/year)

23/07/2003

Priority date (day/month/year)

25/07/2002

Applicant

SHERWOOD SERVICES AG

## 1. Where the International Searching Authority and the Receiving Office are not the same office:

The applicant is hereby notified that the search copy of the international application was received by this International Searching Authority on the date indicated below.

## Where the International Searching Authority and the Receiving Office are the same office:

The applicant is hereby notified that the search copy of the international application was received on the date indicated below.

08/09/2003

(date of receipt).

- 2.
- ☐
- The search copy was accompanied by a nucleotide and/or amino acid sequence listing in computer readable form.

## 3. Time limit for establishment of International Search Report

The applicant is informed that the time limit for establishing the International Search Report is 3 months from the date of receipt indicated above or 9 months from the priority date, whichever time limit expires later

4. A copy of this notification has been sent to the International Bureau and, where the first sentence of paragraph 1 applies, to the Receiving Office.

Name and mailing address of the International Searching Authority

European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

ISA/EP

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

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OCT 23 2003

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To:

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Attn. Denninger, Douglas E.  
10 Glover Avenue  
Norwalk, CT 06850  
UNITED STATES OF AMERICA

✓ COMMUNICATION IN CASES FOR WHICH

NO OTHER FORM IS APPLICABLE

Date of mailing  
(day/month/year)

17/10/2003

Applicant's or agent's file reference

2854 PCT

REPLY DUE

See paragraph 1 below

International application No.

PCT/US 03/ 22900

International filing date  
(day/month/year)

23/07/2003

Applicant

SHERWOOD SERVICES AG

1. ☐ REPLY DUE within \_\_\_\_\_ ~~2003~~ days from the above date of mailing

☒ NO REPLY DUE

### 2. COMMUNICATION:

The applicant is informed that establishment of the international search report (ISR) for non first-filings may be delayed due to a current search backlog.

Although the time limit for entering the national phase before designated offices under Article 22(1) PCT and elected offices under Article 39(1) PCT has, with effect from 1 April 2002 (see PCT Gazette 44/2001 Section IV) been set at 30 months from the priority date (before the EPO the time limit is 31 months from the priority date - see Rule 107 EPC as amended with effect from 2 January 2002 - OJ EPO 8-9/2001, 373) not all PCT contracting states have yet made the necessary changes to their national laws and will for the time being continue to require entry to the national phase at 20/21 months from the priority date if a demand has not been filed before the end of 19 months from the priority date - see PCT Gazette/PCT Newsletter available on the WIPO internet site at <http://www.wipo.int/pct/en/index.html> for an up to date list of the applicable time limits.

In these circumstances, the EPO acting as IPEA will accept, without any late payment fee under Rule 58*bis* PCT, the handling fee and the preliminary examination fee due in respect of the demand relating to the present application, even if they are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, provided that they are paid within one month from the date of transmittal of the ISR; i.e., the EPO will only send an invitation pursuant to Rule 58*bis*.1(a) PCT after expiry of this one-month period. In all cases where the EPO has sent an invitation to pay and the applicant has not paid in full the amount due, the demand shall be considered as if it had not been submitted (Rule 58*bis*.1(b)-(d) PCT). A loss of rights may well be the consequence in designated states where the time limit for entry into the national phase under Article 22 PCT has already expired (see also Article 37(4) PCT).

Note that if the competent IPEA chosen by the applicant is not the EPO and if the fees mentioned above are not paid within the time limit prescribed in Rules 57.3 and 58.1(b) PCT, the competent IPEA is entitled to apply Rule 58*bis*.1(a) PCT immediately thereafter.

If your application is affected, we apologise for any inconvenience caused.

Finally, applicants are reminded that as of 3 January 2002 a rationalised PCT II procedure may apply, see OJ EPO 11/2001, 539 and that the EPO as ISA will not carry out international search on an application which relates to no more than a method of doing business, see OJ EPO 10/2001, 482. Applicants should also bear in mind the restriction of the EPO's competence as ISA and IPEA in certain technical fields in respect of certain international applications, see OJ EPO 1/2002, 52 and PCT Newsletter 1/2002 for further details.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

ISA/EP

## PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF RECEIPT OF  
RECORD COPY

(PCT Rule 24.2)

RECEIVED

OCT 17 2003

LEGAL DEPT

To:

DENNINGER, Douglas, E.  
Tyco Healthcare Group LP  
10 Glover Avenue  
Norwalk, CT 06850  
United States of America

Date of mailing (day/month/year) 22 September 2003 (22.09.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 2854 PCT	International application No. PCT/US03/22900

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

SHERWOOD SERVICES AG (for all designated States except US)  
BUCHMAN III, Thomas L. (for US)

International filing date : 23 July 2003 (23.07.03)  
Priority date(s) claimed : 25 July 2002 (25.07.02)  
25 September 2002 (25.09.02)  
Date of receipt of the record copy  
by the International Bureau : 09 September 2003 (09.09.03)  
List of designated Offices :

AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW  
EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM  
EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR  
OA : BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG  
National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ,  
EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU,  
LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, TJ, TM, TN, TR,  
TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.87.20

Authorized officer:

Catherine MASSETTI (Fax 338-87-20)

Telephone No. (41-22) 338 9476

## Continuation of Form PCT/IB/301

## NOTIFICATION OF RECEIPT OF RECORD COPY

<b>Date of mailing (day/month/year)</b> 22 September 2003 (22.09.03)	<b>IMPORTANT NOTIFICATION</b>
<b>Applicant's or agent's file reference</b> 2854 PCT	<b>International application No.</b> PCT/US03/22900

**ATTENTION**

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase - see updated important information (as of April 2002)
- ☒ confirmation of precautionary designations (if applicable)
- ☐ requirements regarding priority documents (if applicable)

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

## INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE

The applicant is reminded that the "national phase" must be entered before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with other special requirements applicable in certain Offices. It is the applicant's responsibility to ensure the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office where a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see PCT Gazette No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the PCT Newsletter, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette ("Section IV" part published on a weekly basis), to the PCT Newsletter (on a monthly basis) and to the relevant National Chapters in Volume II of the PCT Applicant's Guide (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages the site including those of the Gazette, Newsletter and Guide, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for filing a demand for international preliminary examination is set out in the PCT Applicant's Guide, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

## CONFIRMATION OF PRECAUTIONARY DESIGNATIONS

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designations may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date (this time limit may not be extended). If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. The Notice of confirmation and payment must reach the receiving Office within the 15-month time limit.

## REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within the time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

## PCT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

DENNINGER, Douglas, E.  
Tyco Healthcare Group LP  
10 Glover Avenue  
Norwalk, CT 06850  
United States of America

Date of mailing (day/month/year) 22 September 2003 (22.09.03)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 2854 PCT	
International application No. PCT/US03/22900	International filing date (day/month/year) 23 July 2003 (23.07.03)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 25 July 2002 (25.07.02)
Applicant SHERWOOD SERVICES AG et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
25 July 2002 (25.07.02)	60/398,620	US	09 Sept 2003 (09.09.03)
25 Sept 2002 (25.09.02)	60/413,410	US	09 Sept 2003 (09.09.03)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.87.20

Authorized officer

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Telephone No. (41-22) 338 9476